THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26840 of 2005

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Dated:16.12.2005

Between:

V.Jagan, S/o.Viswanadham,
R/o.4-5-102, Lalitha A ladies Tailor, Main Road, Vikarabad, RR.District,

And another.

..... PETITIONERS

AND

The Commissioner-Cum-Chair Person, Vikarabad Municipality,

Vikarabad, RR.District, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.26840 of 2005

ORDER:

The two petitioners claim to be the owners of premises bearing Nos.4-5-102 and 4-5-103 situated on the main road of Vikarabad Town. They allege that on 13.12.2005, the subordinate officials of the respondents asked the petitioners to surrender the documents and vacate the premises in connection with road widening programme. Apprehending coercive action by the respondents, present writ petition is filed.

After obtaining necessary instructions from his clients, the learned Standing Counsel for Municipalities submits that the petitioners made constructions by encroaching upon the road portion to an extent of 3' and they were also requested to come for negotiations in road widening programme. He, however, does not dispute that unless and until, the Municipality takes necessary action in accordance with law, the petitioners cannot be deprived of their right to enjoy their property.

In view of the above, the writ petition is disposed of giving liberty to the Municipality to negotiate with the petitioners herein, and if they are not willing to part with the land, take necessary action in accordance with law either under Section 172 or

under Section 174 of the Andhra Pradesh Municipalities Act, 1965. There shall be status quo till then.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

16.12.2005

Note: Issue C.C by 19.12.2005.

B/o

vs